

**SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM**

**SUBJECT:** Waddle property

**DEPARTMENT:** County Attorney's Office

**DIVISION:** Litigation

**AUTHORIZED BY:** Lola Pfeil

**CONTACT:** Sharon Sharrer

**EXT:** 7257

**MOTION/RECOMMENDATION:**

Approve negotiated settlement relating to Parcel Number 111 on the County Road 15 road improvement project in the amount of \$22,000.00 for the appraiser's fee. Judge Dickey.

District 5 Brenda Carey

Robert A. McMillan

**BACKGROUND:**

see attached

**STAFF RECOMMENDATION:**

Staff recommends that the Board approve the negotiated settlement relating to Parcel Number 111 on the County Road 15 road improvement project in the amount of \$22,000.00 for the appraiser's fee.

**ATTACHMENTS:**

1. Waddle property

<b>Additionally Reviewed By:</b> No additional reviews
---



**COUNTY ATTORNEY'S OFFICE  
MEMORANDUM**

TO: Board of County Commissioners

THROUGH: Matthew G. Minter, Deputy County Attorney *Matthew G. Minter*

FROM: David G. Shields, Assistant County Attorney *David G. Shields*  
Ext. 5736

CONCUR: Antoine Khoury, P.E./Assistant County Engineer/Engineering Division *AKR 2-25-09*

DATE: February 27, 2009

RE: Costs Settlement Authorization  
County Road 15 (CR 15)  
Parcel No. 111; Timothy and Rhonda Waddle  
Seminole County v. Timothy A. Waddle, et al.  
Case No. 2007-CA-1604-0111-13-W

---

This Memorandum requests settlement authorization by the Board of County Commissioners (BCC) for the one remaining cost item on Parcel No. 111 on the CR 15 project. The total settlement sum is \$22,000.00 for the owners' appraiser's fee.

**I. THE PROPERTY:**

**A. Location Data**

The subject property is located at the northwest corner of C15 and unpaved Narcissus Avenue in a portion of unincorporated Seminole County. A location map is attached as Exhibit A.

**B. Property Address**

The street address is 340 Monroe Road, Sanford, Florida 32771. A parcel sketch is attached as Composite Exhibit B.

**II AUTHORITY TO ACQUIRE.**

The BCC adopted Resolution No. 2007-R-71 on April 10, 2007 authorizing the acquisition of Parcel No. 111. The C15 road improvement project was found to be necessary and serves a public purpose and in the best interests of the citizens of Seminole County. The Order of Take occurred on August 27, 2007, with title vesting in Seminole County on September 4, 2007, the date of the good faith deposit in the amount of \$40,500.00 for this parcel as agreed by the parties.

### **III BACKGROUND**

In October 2008, the BCC approved a settlement of \$70,000.00 for Parcel No. 111 inclusive except that the fee for the owners' appraiser remained outstanding.

### **IV COST CLAIM AND NEGOTIATIONS**

The owners' appraiser claimed a fee of \$40,400.00. In negotiation, the County challenged the requested hourly rates as too high and the appraiser's fee as excessive. Further negotiation resulted in a cost settlement of \$22,000.00 for the appraiser's fee. This negotiation results in a reduction of approximately 46% from \$40,400.00 to \$22,000.00. Moreover, the negotiated amount of \$22,000.00 is reasonable under the circumstances of this case.

### **V COST AVOIDANCE**

If this matter were to go to a hearing, the County would have to employ an expert witness and incur other costs. The County would also probably have to pay the owners' attorney an additional attorney's fee on an hourly basis to prepare for and attend the hearing. Under the settlement, the owners' attorney is not receiving any additional attorney fees beyond what was approved last October. It is not expected that a hearing would result in net costs below the negotiated amount of \$22,000.00.

Approval of this cost settlement resolves all remaining claims related to Parcel No. 111.

### **VI RECOMMENDATION**

County staff recommends that the BCC approves this negotiated settlement at \$22,000.00 for the appraiser's fee.

DGS/dre

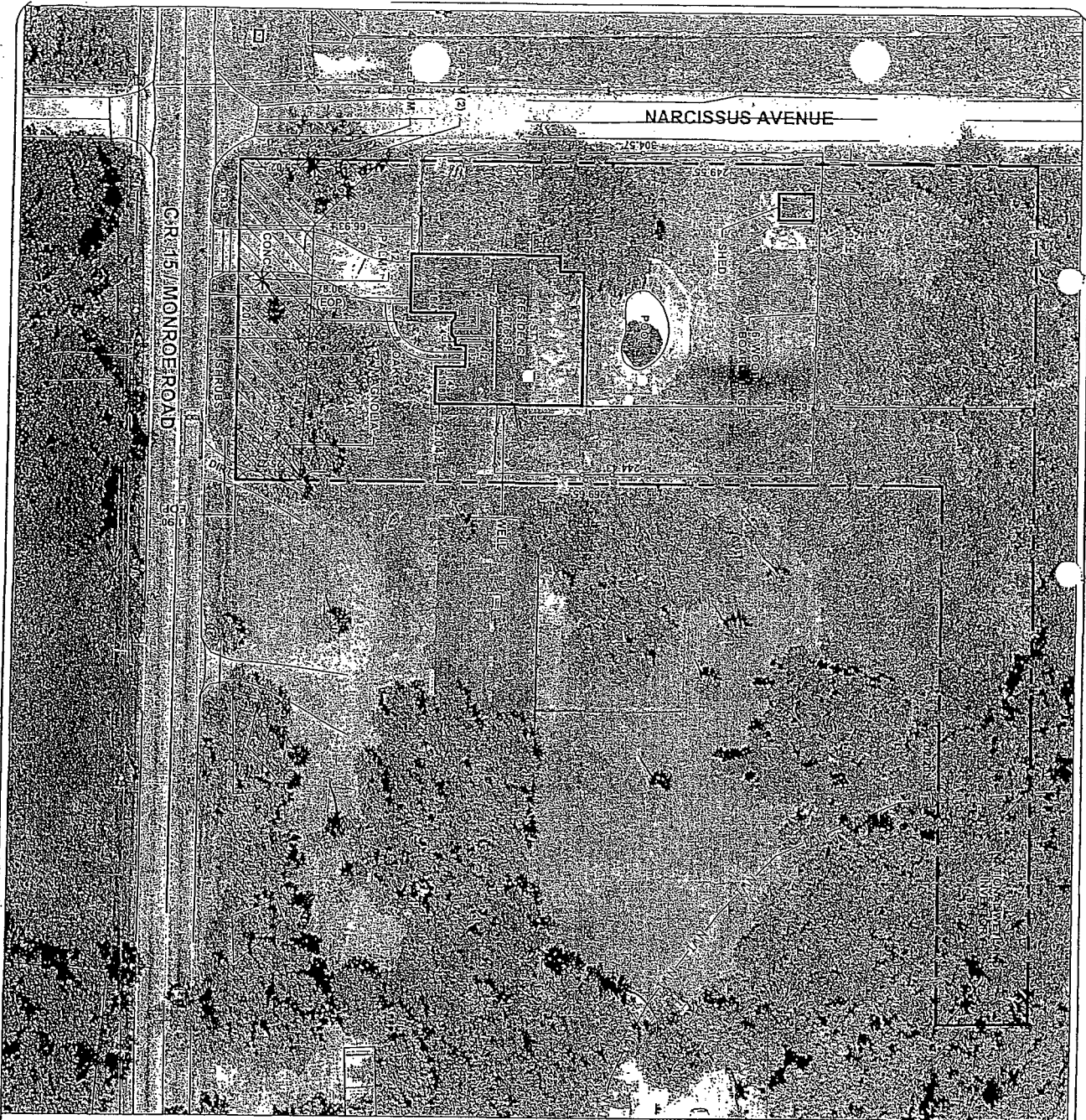
Attachments

Exhibit A – Location Map

Exhibit B – Sketch

P:\Users\Dedge\My Documents\Mem\Agenda Item Waddle 111 Cost Settlement.Doc





PARENT TRACT  
AREA OF TAKE  
REMAINDER TRACT  
PROPERTY LINE  
AREA OF TAKE



PARENT TRACT : WITH TAKING SHOWN

PARCEL 111  
C.R. 15 / MONROE ROAD  
SEMINOLE CO., FLORIDA

BLDG. EOP SETBACK	FHP	9/24/06
ADD 6 SHEDS	FHP	8/22/06
BLDG. AREA	FHP	9/22/06
SCALE AS SHOWN		
DRAWN	FHP	APPROVED DMS
CHECKED	ECB	APP. DATE 08/01/06

EXHIBIT B

SHEET 2  
PROJECT NUMBER  
1000000  
FILE NAME: EXHIBIT B

gai consultants  
618 West South Street  
PO Box 32801  
Orlando, FL 32801

